



# Policy Directive System

## Policy Review Webinar

February 13, 2013

NEPA, Social Media, Private Sector  
Certification of Fisheries, and  
Administrative Record Guidelines



**NOAA**  
**FISHERIES**



# NMFS Delegation of Authorities for Completing NEPA Documents

Policy # 30-131

Steve Leathery  
NMFS NEPA Program

# Policy Objective

- I. Delegation of NEPA responsible program manager (RPM) duties to RAs, SCDs, & ODs as part of the NMFS regulatory streamlining initiative
- II. 30-131-01 specifies procedures for review and clearance of fishery management NEPA documents
- III. Contents of the NEPA Delegation Policy
  - Determine level and type of review (EIS, EA, CE)
  - NMFS signature authority for approval/transmittal of EA/FONSI, DEIS, FEIS
- IV. Impacts to NMFS regulatory program staff responsible for specific actions



# Results of the Policy

This policy has been in place over the past 5 years and it has successfully ensured that the staff assigned to a regulatory action requiring NEPA documentation initiate the appropriate NEPA analysis early enough in the decision-making time horizon to allow for appropriate review and to maximize the usefulness of the NEPA analysis for informing the Agency decision.



# NOAA Fisheries Social Media Policy

PD 05-102



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Kate Naughten  
Director, NOAA Fisheries Office of Communications

*February 13, 2013*



# Why Do We Need this Policy?

- Social media provides a powerful set of modern communications tools for engaging target audiences and amplifying messaging.
- We want our communications professionals to take full advantage of social media and Web 2.0 platforms in their professional capacity.

So .... Fisheries' HQ Communications Office developed a companion policy and guidelines in 2011/2012 to support that goal.

# Policy Objectives

- The NOAA Fisheries Social Media Policy is intended to:
  - Complement the Dept. of Commerce Social Media Policy.
  - Guidance on approval and use of social media channels.
  - Provide specifics on the management and use of social media platforms.
  - Establish roles and responsibilities for management of channels.
  - Maintain consistency in how Fisheries communications staff use these tools.
- Two companion supplements provide:
  - Guidance on contributing to existing social media channels.
  - Application and approval process for new social media channels.

# Fisheries Social Media 101

- Who does this policy apply to?
  - Anyone interested in creating a new social channel or contributing to an existing social media account.
- What is the purpose of this policy?
  - DOC and OCIO have requirements and guidelines to be followed with use of any social media channels. For consistency, we created a set of guidelines, with example business protocols for Fisheries staff interested in using social media.
- Why do we need this policy?
  - Consistent standards and use of these emerging channels.
  - Gather and share best practices & lessons learned.









# How is the Policy Being Implemented?

- Allowing for growth of and consistent management of Fisheries-sponsored social media channels across the agency, including:



-  Alaska
-  Northwest



-  Southwest
-  Alaska
-  Northwest
-  Northeast
-  Southeast
-  Pacific Islands



- One channel per line office (managed by HQ Comms)



# Private Sector Certification of Fisheries 30-122

John Butterfield  
Policy Analysis Intern  
NOAA Fisheries, Office of Policy

# Policy Objective

- Policy was a response to conditions of certification that were placed on fisheries by 3<sup>rd</sup> party organizations.
- **Key Elements - NMFS will:**
  - Respond to requests for certification information like it does for any request for information.
  - Not assist fisheries with obtaining certification.
  - Not change its scientific or management plans in response to a certification application.

# Results of the Policy

- This policy has guided regional offices and centers in their response to numerous certification related requests over the past 8 years.
- Any fishery in the U.S. that is seeking certification needs to be familiar with NMFS' policy on the subject.



# 2008 Proposed Changes

- In 2008, MAFAC issued a recommendation to NMFS, asking it to develop a federal eco-label or other acknowledgement to be used with fishery products.
- NMFS Leadership Council directed the current policy to be amended to include a guideline that NMFS could acknowledge the sustainability of U.S. fisheries.
- These changes were not enacted because the MSA provides no legal definition of “sustainable”.

# Current Actions

- NMFS continues to follow the 2005 policy but:
- For a limited number of fisheries, the NMFS AA has issued a letter acknowledging that the fishery is managed under the conservation guidelines of the MSA.
- In October 2012, another industry group asked for similar letters for fisheries that it represents. These are under review within NMFS.

# Current Actions

- MAFAC is interested in this issue due to changes in the certification sector in the past 4 years.
- NMFS has asked MAFAC for a recommended course of action.
- MAFAC has established a working group comprised of its members and NMFS staff.
- Depending on NMFS' consideration of MAFAC's recommendation, this policy could be amended in the coming year.



# Questions

- Any questions to clarify what I have presented here?
- We hope to have a bit more of a general discussion after the presentations about how the policy has or has not worked in practice.





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# Administrative Record Guidelines

PD#30-123 (06/01/2005)

Caroline Park, Deputy Section Chief  
NOAA Office of General Counsel  
Fisheries and Protected Resources Section

# Status

## ❖ PD #30-123 rescinded in February 2007

- ❖ Notice provided at bottom of page one alerts users: “NOTE: PD 30-123-01 was rescinded in Feb 07 pending an update of the procedure.”

## ❖ NOAA-Wide Guidelines from NOAA Office of General Counsel (January 16, 2009) also rescinded.

- ❖ Because this was NOAA-wide guidance, it was not published in the NMFS Policy Directive System.

# Status Continued....

## ❖ NEW NOAA-Wide “Guidelines for Compiling an Agency Administrative Record” from NOAA Office of General Counsel (December 21, 2012).

- ❖ Valid, operative, guidance for the entire agency (not NMFS specific).
- ❖ Again -- because this is NOAA-wide guidance, it is not published in the NMFS Policy Directive System.

# Policy Objective

- ❖ In the context of agency decision-making, the agency assembles and maintains documents relating to a specific decision or action. When agency action or inaction is challenged in court, the agency provides to the court and the parties a record of the agency's decision. This material is the Administrative Record.
- ❖ Complying with the process and standards in the Guidelines will ensure that NOAA produces reliable, complete, and consistent Administrative Records for the court that are relevant to the issues in litigation and reflect the basis for agency decisions.
- ❖ A complete, well-organized Administrative Record enhances NOAA's ability to defend challenged agency actions successfully
- ❖ December 21, 2012 Guidelines apply across NOAA to any rulemaking or other agency action initiated on or after the date of the guidance. For actions initiated prior to December 21, 2012, consult NOAA GC.





# Key Changes

Three changes from the 2009 to 2012 Guidelines are:

- ❖ Privileged documents are part of the administrative record but can be withheld under appropriate privilege.
- ❖ Contemporaneous administrative record file does not need to be maintained but may be good practice if litigation anticipated.
- ❖ Discretionary releases and “foreseeable harm”

# Coming Soon

- ❖ Potential Development of NMFS-Specific Administrative Record Guidelines for publication in the NMFS Policy Directive system.
- ❖ Training for NMFS staff. Two training sessions provided in recent weeks for Northwest Regional Office Staff. Training for other regions and headquarters currently in planning stage.
- ❖ Questions?